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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 STEPHEN LEE SWEZEY,

8 Plaintiff,

9 v.

10 OKANAGON COUNTY JAIL,
11 KUSH, RANDY KLINE and JOHN
DEVON,

12 Defendants.
13

NO: 2:19-CV-0372-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

14 BEFORE THE COURT is the Court's Order to Comply with Filing Fee
15 Requirements. ECF No. 4. The Court has reviewed the record and files herein and
16 is fully informed. For the reasons discussed below, this action is dismissed without
17 prejudice.

18 On October 30, 2019, Plaintiff, then a prisoner at the Spokane County
19 Detention Services, filed a *pro se* civil rights complaint without paying the filing fee
20 or seeking leave to proceed *in forma pauperis*, but simply asking the Court to accept

1 his case without the filing fee. ECF No. 1-2. Plaintiff did not comply with 28 U.S.C.
2 § 1915(a)(2), which requires a prisoner seeking to bring a civil action without
3 prepayment of the filing fee to submit a certified copy of his trust fund account
4 statement (or institutional equivalent) for the **six months** immediately preceding the
5 filing of the complaint.

6 Plaintiff was advised of the deficiencies concerning his request to proceed
7 without prepayment of the filing fee, including the requirement that he keep the
8 Court advised on any change of address. ECF No. 3. He did not cure these
9 deficiencies and filed nothing further in this action.

10 Plaintiff was advised that before the Court may proceed with his civil action,
11 he must either pay the applicable fee of \$400.00 (\$350.00 filing fee, plus \$50.00
12 administrative fee) or comply with the *in forma pauperis* statute. ECF No. 4.
13 Plaintiff was further advised that failure to do either within 21 days would result in
14 the dismissal of this case. *Id.* ECF No. 4 was returned to the Court as undeliverable,
15 as Plaintiff was no longer in custody, and he has not provided the Court with any
16 change of address. ECF No. 5. No filing fee has been paid or *in forma pauperis*
17 application filed.

18 Parties filing actions in the United States District Court are required to pay
19 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
20 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28 U.S.C.

1 § 1915. Failure to pay the statutory filing fee will result in dismissal of these actions
2 without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995)
3 (district court has authority to dismiss without prejudice prisoner complaint for
4 failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992)
5 (affirming dismissal of appeal of pro se litigant for failure to pay required filing
6 fees).

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

8 This action is DISMISSED without prejudice for failing to pay the filing fee
9 or filing a properly completed Application to Proceed *In Forma Pauperis* pursuant
10 to 28 U.S.C. §§ 1914(a) and 1915(a).

11 The District Court Clerk is directed to enter this Order, enter judgment
12 accordingly, furnish a copy to Plaintiff at his last known address, and **CLOSE** the
13 file.

14 **DATED** March 10, 2020.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge